

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

June 17, 2002

IN RE:

**PETITION OF TENNESSEE UNE-P
COALITION TO OPEN A CONTESTED
CASE PROCEEDING TO DECLARE
SWITCHING AN UNRESTRICTED
UNBUNDLED NETWORK ELEMENT**

**DOCKET NO.
02-00207**

**ORDER ADOPTING
FIRST REPORT AND RECOMMENDATION IN PART**

This docket came before the Tennessee Regulatory Authority (the "Authority") at the regularly scheduled Authority Conference held on May 21, 2002, for consideration of the *First Report and Recommendation* ("First Report") issued by the Hearing Officer on May 13, 2002. On May 20, 2002 the UNE-P Coalition¹ ("Coalition") filed a *Motion to Amend the Petition and Motion to Reconsider the Hearing Officer's First Report and Recommendation* ("Motion to Amend").

In light of the filing of the *Motion to Amend* on the eve of the Authority Conference, the Directors voted unanimously to allow BellSouth until 2:00 p.m., Tuesday, May 28, 2002, to respond to the Coalition's *Motion to Amend* and to allow the Coalition until 2:00 p.m., Thursday, May 30, 2002, to submit a reply to BellSouth's response. The Directors further unanimously directed the Hearing Officer to resolve the

¹ The Coalition includes: Access Integrated Networks, Inc.; Birch Telecom of the South, Inc.; Ernest Communications, Inc.; MCImetro Access Transmission Services, LLC; MCI WorldCom Communications, Inc.; NewSouth Communications Corp.; and Z-Tel Communications, Inc.

Motion to Amend. The Directors then proceeded to consider the *First Report* and voted unanimously to adopt that portion of the procedural schedule in the *First Report* pertaining to the filing of discovery and a protective order as follows:

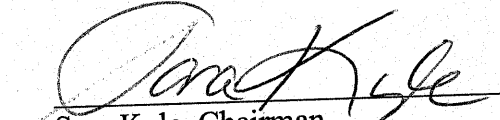
- Discovery requests shall be filed with the Authority and served on all announced and identified interested persons by 2:00 p.m., Friday, May 24, 2002.
- A proposed protective order signed by all announced and identified interested persons shall be filed by 2:00 p.m., Friday, May 24, 2002.
- Objections to discovery requests shall be filed with the Authority and served on all announced and identified interested persons by 2:00 p.m., Friday, May 31, 2002.
- Responses to discovery requests shall be filed with the Authority and served on all announced and identified interested persons by 2:00 p.m., Friday, June 7, 2002.²

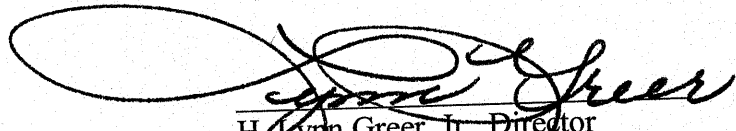
IT IS THEREFORE ORDERED THAT:

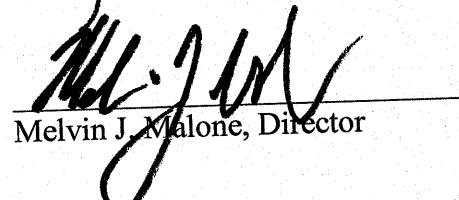
1. BellSouth Telecommunications, Inc. shall have until 2:00 p.m., Tuesday, May 28, 2002, to respond to the UNE-P Coalition's *Motion to Amend the Petition and Motion to Reconsider the Hearing Officer's First Report and Recommendation*.
2. The UNE-P Coalition shall have until 2:00 p.m., Thursday, May 30, 2002, to submit a reply to BellSouth's response.
3. The portion of the *First Report and Recommendation* as set forth herein pertaining to the filing of discovery and a protective order is hereby adopted.

² *First Report and Recommendation*, 7-8 (May 13, 2002) (footnotes omitted).


4. The Hearing Officer will resolve issues presented by the *Motion to Amend the Petition and Motion to Reconsider the Hearing Officer's First Report and Recommendation.*


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director


Melvin J. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary